

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 21, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: CANDACE FALDER, ACTING

☐ Consent ☒ Discussion

SUBJECT:

Discussion and possible action regarding an Appeal of a Work Card Denial for Edward Lyftogt, 7 Eleven Food Store #13702, 1101 East Bonanza Road - Ward 5 (Barlow)

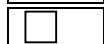
Fiscal Impact



No Impact



Augmentation Required



Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Discussion and possible action regarding an Appeal of a Work Card Denial.

RECOMMENDATION:

Recommendation to be provided following the discussion of this item at the City Council Meeting.

BACKUP DOCUMENTATION:

None

Motion made by GARY REESE to Deny

Passed For: 5; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 2

STEVE WOLFSON, OSCAR B. GOODMAN, GARY REESE, STEVEN D. ROSS, DAVID W. STEINMAN; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-RICKI Y. BARLOW, LOIS TARKANIAN)

Minutes:

JIM DiFIORE, Business Services Manager, explained that EDWARD LYFTOGT'S employer supported the appeal for his work card and referred the Council to the Las Vegas Metropolitan Police Department (Metro) report which had been provided. He recommended denial of this appeal.

MR. LYFTOGT was present and stated he had not reviewed the Metro report.

MAYOR GOODMAN wanted to make sure that appellants have an opportunity to review the Metro report. MR. DiFIORE stated the report had been delivered to his office just the day before this meeting. ASSISTANT CITY ATTORNEY JOHN REDLEIN explained that the confidential reports are the property of Metro and are collected after each Council meeting. He noted that the

CITY COUNCIL MEETING OF: JANUARY 21, 2009

appellants are informed of the reasons when denied and MR. DiFIORE added that the information in the report is also contained in the appellant's arrest record. ASSISTANT CITY ATTORNEY REDLEIN suggested that MR. DiFIORE provide a copy of the report to the appellant prior to the appeal hearing, noting the report would be retained after the hearing.

MR. LYFTOGT disagreed with the representation made by his Probation Officer that he would resume his drug abuse. He has been on probation for a year without incident and is constantly supervised while working. He pled guilty to coercion and acknowledged that his employer risked losing their business if he committed another offense.

DETECTIVE SERGEANT GLENN LOWE, Las Vegas Metropolitan Police Department (Metro), explained that Metro had denied MR. LYFTOGT'S work card application due to the nature of his offense. He noted that the original charge of child sexual abuse had been reduced to coercion, sexually motivated felony, as a result of plea bargaining. He pointed out the appellant will be working in a convenience store frequented by children and the appellant would not be under constant supervision. He was not willing to take the chance that MR. LYFTOGT would return to his old ways.

DETECTIVE KEVIN McCLARY, Metro, stated that he had compiled the report and observed this crime was egregious and did not compare to the earlier cases where the appellants were making restitution. He pointed out the applicant had made that choice and had to bear responsibility for his actions. He expressed his support of the denial, stating the nature of the crime spoke for itself.

DETECTIVE McCLARY informed COUNCILMAN WOLFSON that MR. LYFTOGT record contained other offenses.

COUNCILMAN WOLFSON expressed concern that MR. LYFTOGT has been serving alcohol for several months without a work card and suggested the process needs to be improved. MR. DiFIORE explained that the City requires its alcohol establishment licensees go through an extensive education of employers, including the work card requirements for employees. He stated the City had performed an inspection and discovered that the appellant was working without a work card.

MR. LYFTOGT explained that he had a prior work card that had been granted by the County which allowed him to continue working during the appeal process.

COUNCILMAN ROSS applauded MR. LYFTOGT'S employer and coworkers who had attended the meeting in his support, but stated that he supported the position of the Metro officers. He agreed that there is something wrong with the system, but pointed out MR. LYFTOGT can explore other jobs that would not put him in a potentially problematic situation. The Council must safeguard its citizens.

COUNCILMAN REESE also thanked MR. LYFTOGT'S friends and employer for their support, but stated he could not support this appeal.